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 ILLINOIS COMMERCE COMMISSION STATE OF ILLINOIS
 ILLINOIS COMMERCE COMMISSION

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Respondent.

Docket No. 03-0339

Respondent, Peoples Energy Services Corporation (“PE Services”), by and through its attorneys, McGuireWoods LLP, pursuant to Part 200 of the Illinois Commerce Commission’s (the “Commission”) Rules of Practice, 83 Ill. Adm. Code 200.10 *et seq.*, respectfully moves the Commission to dismiss the instant complaint for want of prosecution. In support thereof, PE Services hereby states as follows:

1. On May 16, 2003, complainant filed the complaint in this matter against PE Services.
2. The complaint against PE Services alleges, in conclusory fashion, that *The Peoples Gas Light and Coke Company* caused a gas leak on complainant's premises and then improperly billed complainant for the gas that allegedly escaped during the alleged gas leak from February 24, 2003 until March 7, 2003.
3. On July 25, 2003, an initial status hearing was held at the Commission before Administrative Law Judge Gilbert (the "hearing").

4. At that hearing, PE Services moved to dismiss the complaint on two grounds: (1) complainant never filed an informal complaint against PE Services, prior to filing its formal complaint as required by sections 200.160 and 200.170 of the Commission's Rules of Procedure; and (2) the complaint incorrectly names PE Services as a party, although there are no allegations of wrongdoing against PE Services. Finally, as Administrative Law Judge Gilbert noted during the hearing, the Commission lacks subject matter jurisdiction over most of the claims made in the complaint, since damages are sought therein. *See* Tr. of July 25, 2003 hearing, p.p. 6 – 7, 15.

5. At the hearing, PE Services withdrew its motion to dismiss on the condition that complainant would file an amended complaint, replacing the correct party respondent in place of PE Services. Apparently upon the understanding that complainant would amend the complaint, Administrative Law Judge Gilbert continued the matter generally. *Id.*, p.p. 18 – 19.

6. During the past nineteen months, one of PE Services' attorneys, Brett J. Beattie, has, on several occasions, contacted Ms. Helen Crawley, CEO of complainant, to attempt to resolve this matter to complainant's satisfaction. However, each time Mr. Beattie has attempted to contact complainant, Ms. Crawley has delayed discussing this matter.

7. To date, complainant has not amended its complaint as contemplated at the hearing, even though complainant has had over twenty-one months to do so. Moreover, complainant has not otherwise indicated an intention to proceed with this matter.

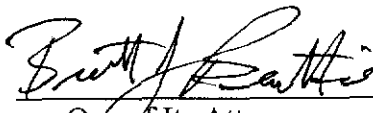
8. Complainant's undue delay in amending the complaint and in delaying discussions with PE Services has unduly prejudiced PE Services.

WHEREFORE, Respondent, Peoples Energy Services Corporation, respectfully requests the Administrative Law Judge to issue a Proposed Order dismissing the formal complaint in ICC Docket 03-0339 for want of prosecution.

Dated: May 4, 2005

Respectfully submitted,

PEOPLES ENERGY SERVICES
CORPORATION

By: 
One of Its Attorneys

Greta G. Weathersby
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**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

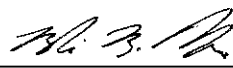
UNICORN OIL CORPORATION/)	
DEBORAH CRAWLEY,)	
Complainant,)	
)	
v.)	ICC # 03-0339
)	
PEOPLES ENERGY SERVICES)	
CORPORATION,)	
Respondent.)	

NOTICE OF MOTION

To: Helen Crawley	Admin. Law Judge David Gilbert
Deborah Crawley	Illinois Commerce Commission
Unicorn Oil Corporation	160 North LaSalle Street, Suite C-800
P.O. Box 495916	Chicago, Illinois 60601
Chicago, IL 60649-5916	

PLEASE TAKE NOTICE that on this 5th day of May, 2005 Respondent in the above-captioned case sent by Federal Express for filing with the Illinois Commerce Commission, 527 East Capitol Avenue, P.O. Box 19280, Springfield, Illinois 62701, **Peoples Energy Servs. Corp.'s Motion to Dismiss.**

DATED: May 5, 2005	PEOPLES ENERGY SERVICES CORPORATION
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By: 
One of its attorneys

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this Peoples Energy Serv.Corp.'s Motion to Dismiss the Complaint in the Ill.C.C. Docket No. 03-0339 on Complainant and the Administrative Law Judge by causing a copy to be placed in the U.S. mail, properly addressed and postage prepaid on May 5, 2005.

Dated: May 5, 2005	Respectfully Submitted,
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By: 
Blair B. Hanzlik

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